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OFFICE OF PETITIONS

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| In re Application of | : |
| Seiji Nishioka et al | : |
| Application No. 09/788,047 | : DECISION GRANTING PETITION |
| Filed: February 16, 2001 | : UNDER 37 CFR 1.137(b) |
| Attorney Docket No. 60586- | : |
| 300501 (YOSHP005) | : |

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 3, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an RCE and amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office action of August 12, 2003, is accepted as having been unintentionally delayed.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$2,010 extension of time submitted with the petition on August 12, 2004 was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

The application file is being forwarded to Technology Center AU
1711.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy